

House File 201

H-1011

1 Amend House File 201 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **668.12A Liability for employee**
5 **negligence in actions involving commercial motor vehicles.**

6 1. In a civil action involving the operation of a commercial
7 motor vehicle, the employer's liability for damages caused by
8 the negligence of an employee operating a commercial motor
9 vehicle within the course and scope of employment shall be
10 based solely on respondeat superior.

11 2. This section does not apply if the civil action involving
12 a commercial motor vehicle arises from an incident for which an
13 employee is convicted under section 321J.2 or found to be in
14 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

15 3. As used in this section:

16 a. "*Commercial motor vehicle*" means as defined in section
17 321.1.

18 b. "*Convicted*" means convicted of an indictable offense and
19 includes a guilty plea or other finding of guilt by a court of
20 competent jurisdiction.

21 c. "*Operation*" or "*operating*" means actual physical control
22 of a commercial motor vehicle upon a highway as defined in
23 section 321.1.

24 Sec. 2. NEW SECTION. **668.15A Noneconomic damages —**
25 **commercial motor vehicle owners or operators.**

26 1. As used in this section:

27 a. "*Commercial motor vehicle*" means as defined in section
28 321.1.

29 b. "*Convicted*" means convicted of an indictable offense and
30 includes a guilty plea or other finding of guilt by a court of
31 competent jurisdiction.

32 c. "*Noneconomic damages*" means damages arising from
33 pain, suffering, inconvenience, physical impairment, mental
34 anguish, emotional pain and suffering, loss of chance, loss of
35 consortium, or any other nonpecuniary damages.

1 *d.* "Operation" means actual physical control of a commercial
2 motor vehicle upon a highway as defined in section 321.1.

3 2. The total amount recoverable by each plaintiff in any
4 civil action involving the operation of a commercial motor
5 vehicle for noneconomic damages for personal injury or death,
6 whether in tort, contract, or otherwise, against the owner or
7 operator of a commercial motor vehicle shall be limited to
8 fifteen million dollars, regardless of the number of claims,
9 theories of liability, or defendants in the civil action.

10 3. This section does not apply if the civil action involving
11 a commercial motor vehicle arises from an incident for which an
12 employee is convicted under section 321J.2 or found to be in
13 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

14 Sec. 3. Section 668A.1, Code 2023, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 2A. A claim for punitive or exemplary
17 damages may be included in any initial claim for relief and may
18 be allowed by amendment to the pleadings after the exchange of
19 initial disclosures.>

SCHEETZ of Linn